



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Christopher Colucci,  
South Plainfield

Administrative Appeal

CSC Docket No. 2022-745

**ISSUED: OCTOBER 12, 2021 (DASV)**

The Borough of South Plainfield requests that the eligible list for Police Lieutenant (PM1454U), Borough of South Plainfield, be revived to record the permanent appointment of Christopher Colucci effective January 1, 2020. Additionally, Mr. Colucci requests that he be admitted to the promotional examination for Police Captain (PM3498C), Borough of South Plainfield.

By way of background, the eligible list for Police Lieutenant (PM1454U), Borough of South Plainfield, promulgated on February 16, 2017 and expired on February 15, 2020. The only certification of the eligible list was issued on May 25, 2018. Five eligibles were certified, including Mr. Colucci who ranked second on the certification and eligible list. In disposing of the certification, the appointing authority appointed the first ranked eligible effective July 1, 2018.

Additionally, on July 1, 2021, the Police Captain (PM3498C), Borough of South Plainfield, examination was announced with an application due date of July 31, 2021, and a closing date of September 30, 2021 for eligibility purposes. The examination was open to employees in the competitive division who were currently serving in the title of Police Lieutenant and possessed an aggregate of one year of continuous permanent service in that title as of the closing date. Mr. Colucci filed for the examination. However, he was found ineligible since he was not permanent in the title of Police Lieutenant. Agency records reflected that he was a Police Sergeant.

In the instant matter, the appointing authority requests that the eligible list for Police Lieutenant (PM1454U), Borough of South Plainfield, be revived to record the permanent appointment of Mr. Colucci. It states that it erred in not requesting a new certification to appoint Mr. Colucci who is a distinguished veteran. The appointing authority also requests that Mr. Colucci be deemed eligible for the Police Captain (PM3498C), Borough of South Plainfield, examination. In support of its petition, the appointing authority submits the Personnel Order and Resolution of the Borough Council to appoint Mr. Colucci to Police Lieutenant effective January 1, 2020. It also submits payroll documents to demonstrate that Mr. Colucci was paid at the rate of a Police Lieutenant beginning in January 2020. Moreover, the appointing authority verifies that Mr. Colucci has successfully completed his working test period in the Police Lieutenant title.

In his request, Mr. Colucci states that he was sworn in as a Police Lieutenant on December 19, 2019, with an effective date of January 1, 2020, and has been working as a Police Lieutenant since that time. He indicates that he has passed the working test period for Police Lieutenant and should be eligible to take the Police Captain (PM3498C), Borough of South Plainfield, examination. Additionally, he notes that his application for that examination was received by this agency on July 6, 2021.

It is noted that the Division of Agency Services does not oppose the appointing authority's request for retroactive appointment of Mr. Colucci, effective January 1, 2020, be granted.

### CONCLUSION

*N.J.A.C.* 4A:4-1.10(c) states that an individual may receive a retroactive date of appointment to correct an administrative error, for an administrative delay or for other good cause.

In the instant matter, the record establishes that the appellant's name appeared on the eligible list for Police Lieutenant (PM1454U), Borough of South Plainfield. However, although the appellant was appointed to the title of Police Lieutenant, effective January 1, 2020, a certification was not issued to record his appointment. There is sufficient evidence in the record which indicates that since January 1, 2020, the appellant has been successfully performing the duties of a Police Lieutenant. Furthermore, a review of the record reveals that the appellant was reachable for appointment on the May 25, 2018 certification of the Police Lieutenant (PM1454U), Borough of South Plainfield, eligible list as he ranked second on the certification and eligible list. *See N.J.A.C.* 4A:4-4.8(a)3. However, due to an administrative error, a certification was not issued to record his appointment. Therefore, based on the foregoing, ample cause exists to grant the

appellant a retroactive date of permanent appointment to the title of Police Lieutenant. As verified by the appointing authority, the appellant has successfully completed his working test period as a Police Lieutenant. Therefore, the appellant's permanent appointment should be recorded as January 1, 2020. *See e.g., In the Matter of Winfred L. Christy, Police Officer (M1847M), Borough of Lindenwold (MSB, decided January 15, 2003).*

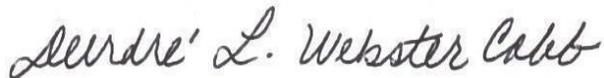
Since the appellant is deemed to have been permanent since January 1, 2020, he should be admitted to the promotional examination for Police Captain (PM3498C), Borough of South Plainfield, as he meets the requirements of the examination.<sup>1</sup>

### ORDER

Therefore, it is ordered that these requests be granted and the Police Lieutenant (PM1454U), Borough of South Plainfield, eligible list be revived in order to record the permanent appointment of Christopher Colucci effective January 1, 2020. Additionally, it is ordered that he be admitted to the promotional examination for Police Captain (PM3498C), Borough of South Plainfield.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 6<sup>TH</sup> DAY OF OCTOBER, 2021




---

Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

---

<sup>1</sup> It is noted that the appellant was conditionally admitted to the Police Captain (PM3498C), Borough of South Plainfield, eligible list pending the decision in this matter.

Inquiries  
and  
Correspondence:

Allison Chris Myers  
Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Christopher Colucci  
Glenn Cullen  
Susan Mannix  
Division of Agency Services  
Records Center